

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LATREYA A. BOYD,

Plaintiff(s),

CASE NUMBER: 05-73902  
HONORABLE VICTORIA A. ROBERTS

v.

JO ANNE B. BARNHART,  
COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

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ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE

On April 21, 2006, Magistrate Judge Steven D. Pepe submitted a Report and Recommendation **[Doc. 13]** recommending that the Court dismiss Plaintiff's complaint. Magistrate Pepe recommends dismissal due to Plaintiff's failure to comply with the Magistrate's Order to file a motion for summary judgment, see Scheduling Order entered January 20, 2006, and the Magistrate's Order that Plaintiff show cause why the complaint should not be dismissed for failure to prosecute. See Order to Show Cause entered February 21, 2006.

Because the Court has not received objections from either party within the time frame provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(3), the Court will

adopt the Magistrate Judge's Report and Recommendation. The Court, therefore, **DISMISSES** Plaintiff's complaint, pursuant to FRCP 41(b),<sup>1</sup> due to Plaintiff's failure to comply with the Court's Orders and Plaintiff's failure to prosecute this action.

**IT IS SO ORDERED.**

S/Victoria A. Roberts  
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Victoria A. Roberts  
United States District Judge

Dated: May 18, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on May 18, 2006.

S/Carol A. Pinegar  
\_\_\_\_\_  
Deputy Clerk

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<sup>1</sup>FRCP 41(b) states:

**(b) Involuntary Dismissal: Effect Thereof.** For failure of the plaintiff to prosecute or to comply with these rules or any order of court, a defendant may move for dismissal of an action or of any claim against the defendant. Unless the court in its order for dismissal otherwise specifies, a dismissal under this subdivision and any dismissal not provided for in this rule, other than a dismissal for lack of jurisdiction, for improper venue, or for failure to join a party under Rule 19, operates as an adjudication upon the merits.